

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:     DAVID J. MILBUT, SR.  
            AKA: DAVE MILBUT, DAVID J.  
            MILBUT, DAVID MILBUT, DAVID  
            MILBUT, SR.  
            GAIL KATHLEEN MILBUT  
            AKA: GAIL MILBUT, GAIL K.  
            MILBUT

CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

CASE NO: 5-16-05061-JJT

vs.

DAVID J. MILBUT, SR.  
AKA: DAVE MILBUT, DAVID J.  
MILBUT, DAVID MILBUT, DAVID  
MILBUT, SR.  
GAIL KATHLEEN MILBUT  
AKA: GAIL MILBUT, GAIL K.  
MILBUT

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on July 19, 2017, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1.        A Plan was filed on December 13, 2016.
2.        A Confirmation hearing was held and an Order was entered on May 9, 2017 directing that an amended plan be filed within forty-five (45) days.
3.        As of the date of this Motion, an amended plan has not been filed.
4.        The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable Plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.  
Attorney for Trustee  
Charles J. DeHart, III

Standing Chapter 13 Trustee  
Ste. A, 8125 Adams Drive  
Hummelstown, PA 17036  
717-566-6097

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**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court Max Rosenn U.S. Courthouse Courtroom #2 197 S. Main Street Wilkes Barre, PA	Date:    August 8, 2017  Time:    09:30 AM
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Any objection/response to the above referenced matter must be filed and served on or before:  
***August 2, 2017.***

If you file and serve an objection/response within the time permitted, a hearing will be held at the above specified date, time and location. If you do not file an objection within the time permitted the Court will deem the motion unopposed and proceed to consider the Motion without further notice or hearing, and may grant the relief requested.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097

Dated: July 19, 2017

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J. MILBUT, DAVID MILBUT,  
DAVID MILBUT, SR.  
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**CERTIFICATE OF SERVICE**

AND NOW, on July 19, 2017, I, Vickie Williams, hereby certify that I served a copy of the Trustee's Motion to Dismiss, Notice, and Proposed Order either electronically or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, first class mail, postage prepaid, addressed to the following:

TULLIO DeLUCA, ESQUIRE  
381 N 9TH AVENUE  
SCRANTON, PA 18504-

DAVID J. MILBUT, SR.  
GAIL KATHLEEN MILBUT  
139 SHOEMAKER ST.  
DUNMORE, PA 18512

Respectfully Submitted,  
s/ Vickie Williams  
for Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097

Dated: July 19, 2017

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Respondent(s)

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby  
ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.